

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA, SOUTHERN DIVISION

PATRICIA BURKETT,)
Administratrix of the Estate of)
JEREMY BURKETT, deceased,)

Plaintiff,)

v.)

CIVIL ACTION NO.:
1: 06-CV-775-DRB

TIMOTHY EUGENE MCCRAY and)
S.E.LUMBER COMPANY,)

Defendants,)

JOINT STIPULATION OF DISMISSAL

COME NOW the plaintiff, **PATRICIA BURKETT, AS THE ADMINISTRATRIX OF THE ESTATE OF JEREMY BURKETT, DECEASED,** by and through counsel of record, David J. Harrison, and the defendants, **TIMOTHY EUGENE MCCRAY and SOUTHEAST LUMBER COMPANY, INC.,** incorrectly described as **S.E.LUMBER COMPANY,** by and through their attorney of record, William A. Mudd, in the above styled cause, and respectively request that this Honorable Court enter an Order dismissing the wrongful death claim of **PATRICIA BURKETT, AS THE ADMINISTRATRIX OF THE ESTATE OF JEREMY BURKETT, DECEASED,** filed against **TIMOTHY EUGENE MCCRAY** and **SOUTHEAST LUMBER COMPANY, INC.,** incorrectly described as

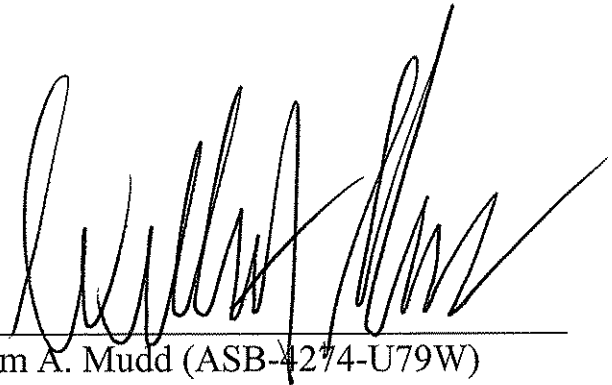
S.E.LUMBER COMPANY, as set forth in the original complaint filed in this litigation, with prejudice, Court costs taxed as paid. In support of this motion, the moving parties say as follows:

1. The plaintiff, **PATRICIA BURKETT, AS THE ADMINISTRATRIX OF THE ESTATE OF JEREMY BURKETT, DECEASED**, has agreed to voluntarily dismiss any and all claims she has or may have against **TIMOTHY EUGENE MCCRAY** and **SOUTHEAST LUMBER COMPANY, INC.**, incorrectly described as **S.E.LUMBER COMPANY**, including but not limited to the wrongful death action made the basis of the original complaint filed on her behalf in connection with the motor vehicle accident made the basis of this litigation.

2. The plaintiff, **PATRICIA BURKETT, AS THE ADMINISTRATRIX OF THE ESTATE OF JEREMY BURKETT, DECEASED**, desires to have the original complaint filed on her behalf dismissed, with prejudice, court costs taxed as paid.

3. All other claims pending in this litigation (more specifically, the Counter-claim of Timothy Eugene McRay against **PATRICIA BURKETT, AS THE ADMINISTRATRIX OF THE ESTATE OF JEREMY BURKETT, DECEASED**, and the third-party complaint of Timothy Eugene McRay against Central Insurance Company) shall remain pending and are not the subject matter of this pleading.

WHEREFORE, PREMISES CONSIDERED, the plaintiff, **PATRICIA BURKETT, AS THE ADMINISTRATRIX OF THE ESTATE OF JEREMY BURKETT, DECEASED,** and the defendants, **TIMOTHY EUGENE MCCRAY** and **SOUTHEAST LUMBER COMPANY, INC.,** incorrectly described as **S.E.LUMBER COMPANY,** respectfully move this Honorable Court to enter an Order dismissing the complaint of **PATRICIA BURKETT, AS THE ADMINISTRATRIX OF THE ESTATE OF JEREMY BURKETT, DECEASED,** which asserts a wrongful death claim against **TIMOTHY EUGENE MCCRAY** and **SOUTHEAST LUMBER COMPANY, INC.,** incorrectly described as **S.E.LUMBER COMPANY,** with prejudice, costs taxed as paid. All other claims and causes of action shall remain pending.

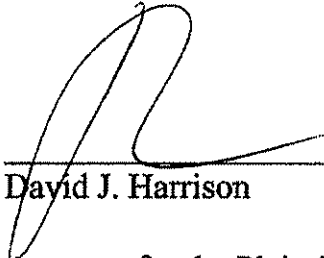
A handwritten signature in black ink, appearing to read 'William A. Mudd', is written over a horizontal line. The signature is stylized with large, sweeping loops and a long, sweeping tail that extends to the right.

William A. Mudd (ASB-4274-U79W)

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CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the above and foregoing pleading on counsel as follows by placing same in the United States Mail, properly addressed and first-class postage prepaid on this the 6 day of FEB., 2007.

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